

09/06/2019

JULIA C. DUDLEY, CLERK  
BY: *H. Wheeler*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

TINA M. MCCOY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:19CV00050
	)	
UNIVERSITY OF VIRGINIA	)	
MEDICAL CENTER, and	)	
CHARLES WILSON, and	)	
RYAN M. RALL, and	)	
COMMONWEALTH OF VIRGINIA, and	)	
RECTOR AND BOARD OF VISITORS	)	
OF THE UNIVERSITY OF VIRGINIA,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendant the Rector and Board of Visitors of the University of Virginia (“UVA”), by counsel, with the consent of Defendants<sup>1</sup> Charles Wilson, Ryan M. Rall, and the Commonwealth of Virginia and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby removes this action from the Circuit Court for Albemarle County to the United States District Court for the Western District of Virginia, Charlottesville Division, and in support thereof state as follows:

1. On or about August 8, 2018, Plaintiff Tina M. McCoy (“Plaintiff”) commenced a lawsuit in the Circuit Court for Albemarle County entitled *McCoy v. University of Virginia Medical Center*, Case No. CL18-1215 (“the Circuit Court Action”). See Complaint, attached hereto as Exhibit B. On or about July 2, 2019, Plaintiff filed an Amended Complaint in the same action. See Amended Complaint, attached hereto as Exhibit C.

2. Jurisdiction is vested in this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

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<sup>1</sup> On August 19, 2019, the University of Virginia Medical Center was dismissed as a party to this action. See Consent Order, attached hereto as Exhibit A.

3. This action is properly removable under 28 U.S.C. § 1441(a) because this Court has original jurisdiction in this case pursuant to 28 U.S.C. § 1331, which provides that “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

4. This Court has federal question jurisdiction over the action because Plaintiff is asserting claims against Defendant under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* (“Title VII”). *See* Exhibit C at ¶¶ 207-232.

5. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 in that the Circuit Court Action alleges claims under Title VII, which require an analysis of federal law as an essential element of Plaintiff’s claims.

6. The United States District Court for the Western District of Virginia, Charlottesville Division, includes the Circuit Court for Albemarle County within its jurisdiction. Accordingly, pursuant to 28 U.S.C. §§ 127(a) and 1446(a), the Circuit Court Action may be removed to this Court.

7. Venue is proper in this Court because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

8. UVA received service of the Amended Complaint in this case on August 26, 2019. *See* Exhibit A at ¶ 3. This Notice of Removal is therefore timely filed within 30 days of service in this action, as required by 28 U.S.C. § 1441(a).

9. Attached hereto, and made a part hereof, are copies of all process and pleadings served upon UVA and filed in the Circuit Court for Albemarle County, Virginia, consisting of the Complaint and Amended Complaint. *See* Exhibits A-C.

10. A Notice of Filing of Notice of Removal has been contemporaneously sent to the Clerk of the Circuit Court for Albemarle County, Virginia, with the expectation that it will be filed once received. *See* Exhibit D.

11. A true and correct copy of this Notice of Removal, with attachments, will be served promptly upon the Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, the Rector and Board of Visitors of the University of Virginia, by counsel and with the consent of all Defendants, respectfully moves this Court to remove this case from the Circuit Court for Albemarle County to the United States District Court for the Western District of Virginia, Charlottesville Division.

Dated: September 6, 2019

Respectfully Submitted,

By /s/ Elizabeth M. Ebanks  
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of September, 2019, I electronically filed the foregoing with the clerk of the court using the CM/ECF system and sent a copy of the foregoing via email and first class mail to:

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